

City Council of Peachtree City
Minutes of Meeting
February 18, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, February 18, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Reserve Officers Phil Jones and Eric Semon were sworn in by Mayor Haddix. Haddix recognized January Employee of the Month Kenneth Ralls. Haddix issued proclamations for World War II Heritage Days and Arbor Day in Peachtree City.

Citizen Comment

Al Yougel of Keep Peachtree City Beautiful reported activity at the drop-off recycling centers for January. He also reported that there were 663 community service hours for the month.

Agenda Changes

There were none.

Minutes

Learnard moved to approve the minutes of the February 2, 2010, workshop as amended and the February 4, 2010, regular meeting, as presented. Sturbaum seconded. Motion carried unanimously.

Consent Agenda

- 1. Consider Alcohol License – NEW – China Bistro**
- 2. Consider Request to Surplus Public Works Vehicles**
- 3. Consider Budget Amendments – FY 2010**

Fleisch moved to approve the Consent Agenda items. Learnard seconded. Motion carried unanimously.

Old Agenda Items

02-10-05 Consider Tree Removal Permit Fee Schedule

Interim Community Development Director David Rast addressed Council, noting that staff had recommended on February 4 to implement a \$25 fee for tree removal permits. The amount was originally recommended in 2004 when the tree removal permit process had been adopted.

Staff had looked at several options, including a single permit to cover all trees to be removed, as well as a sliding scale fee based on the number of trees to be removed. Staff did not recommend the latter because staff time was required to process all permits in the same manner regardless of the number of trees to be removed.

Rast said staff continued to recommend the \$25 permit application fee, and said he was available to answer questions. Haddix noted that they had taken public input on the issue at the last meeting.

Imker said that, while \$25 might not seem like a lot of money, the City had gone for 50 years without such a fee. He felt the City was searching for new revenue sources rather than controlling spending. He felt this was the wrong time to implement this type of fee.

Learnard noted that there was a cost associated for issuing the permit, and felt staff had done a good job on presenting the staff costs associated with the service. She had also supported the idea of giving credit for replanted trees, but upon reflection, felt that would add additional staffing costs. She thought the item should be continued and considered as part of the budget discussions over the coming weeks. If the fee were needed to balance the budget, so be it, but the budget discussions would be ongoing and this topic should be included in those discussions. Imker said he agreed that the item should be discussed at the City Council Retreat.

Fleisch moved to continue the item for discussion at the City Council Retreat. Imker seconded. Haddix noted that the City had cut over \$4 million in spending to help balance the budget, and added that charging fees for services was not a new policy. Haddix said they had to consider whether a service was paid for by all taxpayers or by those receiving the service. Motion carried 3-2, with Haddix and Sturbaum opposed.

01-10-15 Consider Hold on Lake Peachtree Multi-Use Path Bridge Expansion Design

Imker said he had requested this item be placed back on the agenda. He noted that the City had budgeted \$851,000 from the 2004 SPLOST. The City had since learned the construction cost was \$440,000, the design cost was \$76,000, and any work to the approaches would be an additional cost. The City had already spent \$27,000 on the design in FY 2009, with an additional \$3,000 spent to date in FY 2010.

In January, Council chose to move forward with a design option. Imker said he could not see spending additional funding on the bridge, which was a nice "want" versus a need. The City had two other options for the funding – to use it for path maintenance and repairs or for road maintenance, both still within the restrictions of the 2004 Special Local Option Sales Tax (SPLOST). The bridge had been in place for over 20 years and would still be in good condition for 30 more years. He said he would like to place a hold on the design of the bridge and use the money elsewhere. He did not believe the investment to date in the design would be lost because the design could still be used at a later time. The City needed the funding now for other purposes.

Sturbaum said that, with the potential for additional stimulus funding being made available, the City could take advantage of any funding by completing the design and having the project "shovel-ready." Sturbaum also pointed out the City had removed several projects from the SPLOST list to save funding, which had accrued approximately \$1.7 million. He felt moving forward with the design for this project was important so the City could apply for stimulus funding.

Imker said he agreed that having something "shovel-ready" was the right approach, but questioned if and when more funding would exist. He felt that the City would have at least six months lead time to have the project ready for any stimulus funding that might become available. The City was looking at \$3.3 million in unobligated SPLOST funding, and he wanted to save every penny possible to help with the budget.

Learnard asked what the expiration date would be on the bridge design documents. City Manager Bernard McMullen said there was no expiration, as such. The only issue would be future changes in construction code that would require modifications to the design, but this design was primarily a structural issue. Fleisch asked if the six months estimate for shovel-ready projects was accurate. McMullen said he could not provide a definitive answer, but thought the timeline was about 120 days. Sturbaum asked about the inclusion of the bridge on the SPLOST referendum. McMullen confirmed the project was one of the specific projects listed, but agreed with Imker that the current problem was not structural; it dealt with the width of the bridge. The City was upgrading the width of paths in the City to comply with new federal safety guidelines. Sturbaum asked if the federal requirements were mandatory, and McMullen said they were guidelines. He added that he was concerned by watching the variety of users, pedestrians, cyclists, and golf carts, and the age range of the users. Staff prioritized the bridges (SR 74 North, SR 54 East, and this bridge) in the SPLOST, ranking this project first due to the City's budget guidelines, which called for maintaining existing infrastructure before building new, and due to safety relating to the narrow width.

Imker said he agreed the bridge needed to be widened. The structure was sound, and he felt the railings looked pretty firm. The approaches and the bridge only allowed for one cart at a time, and that needed to be fixed eventually. However, he felt other budget priorities necessitated delaying this project for the time being.

Learnard said, with about half of the design dollars spent, should they stop or proceed with the design. Imker agreed, saying it was a \$45,000 decision leading to a half a million dollar decision in the future.

Robert Brown addressed Council saying he had never crossed the bridge in his cart. However, if the design was completed and the bridge was not built, he suspected the cost would be significantly greater. The current economy meant construction companies would take on projects at a lower cost. He was not saying to move forward now, but wanted to be sure they considered the potentially increased costs if the project were delayed to the future.

Andy Jurchenko said he agreed with Imker that, a year after a major lay-off and reducing the retirement benefits of part-time employees, spending this amount of money now was poor fiscal management.

Haddix said delaying would increase the cost of the project, and the City had seen that happen in the past. He felt the design should be completed and ready to go.

Learnard reiterated this discussion was whether to continue the design, and the decision on moving forward with construction was a later issue. She felt this was a decision on whether to stop at \$31,000 on a \$76,000 project or to complete it. Imker emphasized that the \$31,000 already spent was in the development of the three proposals, so the actual design cost was minimal.

Imker moved to approve the hold on the Lake Peachtree Path Bridge expansion design. Haddix seconded. The motion failed 4-1 (Haddix, Sturbaum, Learnard, Fleisch opposed).

New Agenda Items

02-10-06 Public Hearing – Consider Request to Lift Multi-family Moratorium for Tract 8 (4.8 acres) within Lexington Circle

McMullen said the applicant had requested that this item be continued due to some additional work they were doing on the location of their project. Sturbaum moved to continue the request. Learnard seconded. Motion carried unanimously.

02-10-07 Public Hearing – Consider Variance Request for Telecommunications Tower at 403-A Dividend Drive

Tim Powers, the applicant, addressed Council and said he was bringing back a request for a cell tower on his property in the Industrial Park. Powers reviewed the towers in Peachtree City (a copy of the presentation is included in the official meeting file). Powers said he had requested a variance three years ago for the same location. At that time, he had been told that the airport overly district precluded him from having a tower. He said there were approximately 30 square miles in this zone, and there were already towers in the area. He also showed the ordinance and what was required to install a tower under the ordinance adopted in 1998.

Powers contended that precedence had already been set by allowing the other towers. He brought in the Federal Aviation Administration (FAA) letter that did not oppose the tower. He said he had as good a site as was available in the City for a new tower, with the zoning already in place, and in compliance with how the City had been designed.

The site was adjacent to the railroad, in the industrial park, and screened from public view by trees. It had the utilities and a paved road accessing the site. He noted that the Tiernan & Patrylo tower, which was approved after the ordinance was adopted in 1998, exceeded the height he was proposing and was closer to the airport. Powers said the City needed additional towers and felt that his tower was not a safety issue. He asked where Council preferred to locate towers.

Rast then presented the staff opinion, noting that the request was not an application for a new tower, but was a variance request to the height limitations within the Airport Protection Zone identified within the Airport zoning district.

Rast said the tower was proposed for the back corner of the site. The existing ordinance required that tower facilities, including the fenced area at the base of the tower, must be set back 50 feet from any non-residential property line. The design showed the location approximately 24 feet

from one property line and only six or seven feet from another property line. The tower could be shifted to meet the setback requirements.

The ground elevation of the tower would be at 836 feet above sea level, and the top of the tower would be at 1,001 feet above sea level. Rast noted that the Airport zoning district had a series of overlays relating to height. This tower would be in a zone with a height restriction of 958 feet above sea level. The request extended into the restricted air space by 45 feet.

Rast confirmed that telecommunications towers were permitted within the General Industrial zoning district, which this property was, but the property also fell within the Airport Protection Zone, which was established to protect the air space and runway zone of the airport.

Rast clarified that the letter from the FAA was not approval, but was acknowledgement that the tower encroached into the Airport Protection Zone. He added that the Peachtree City Airport Authority (PCAA) did not support the tower encroachment into the air space. The City also received a letter from the Department of Transportation (DOT) to the PCAA regarding encroachments into the approach zone.

Rast said staff was recommending that Council deny the variance due to the PCAA's recommendation and because it would set a precedent for future towers as the City was working to identify appropriate locations for towers.

Rast clarified that the Tiernan & Patrylo tower did encroach into the zone, and staff would be following up with them about that issue. Staff would also be requesting documentation of the height of the tower on Fulton Court.

Robert Brown spoke in favor of the variance, saying the City needed cell phone towers. The only place they could be built was in the Industrial Park, but that was precluded by the Airport Zone. He asked where else they could go, and said that, since there were already towers in the protection zone, this tower should be allowed. He understood this tower was not in a landing/takeoff approach, so would not pose a safety issue.

Jeff Whatley said the zone was in place for safety, especially if a pilot was slightly off on their approach. He said he wanted a tower, but at a lower height.

Juan Matute asked about potential liability if a plane hit the tower and wanted to ensure the City would be protected.

Brian Dingivan asked if the zones extended into Coweta County, and if the City could stop Coweta from infringing in them.

Aviation Director John Crosby addressed Council and said the PCAA opposed the variance. Since 2004, the Authority had opposed anything that imposed on the zones. They did not oppose industries or towers, but those projects needed to abide by the height limits that protected the air space. He said the FAA obstructions division had a clause that noted it was up to the local

sponsor to protect the air space around an airport. Crosby said that, as far as liability, the issue was moot as long as everyone stayed within the restrictions imposed.

Haddix closed the public hearing and asked the City Attorney if the overlay extended into Coweta. City Attorney Ted Meeker said it did not, but the Authority could object to anything that infringed on the air space.

Sturbaum asked about the expiration of the FAA letter in 2007. Powers said he had requested an update, but had come to the City first. He said the last time he requested the letter, it took 18 months.

Learnard asked whether the project would need one or two variances. Rast said this variance request was strictly for the encroachment into the air space. Staff had identified a separate encroachment into the required setbacks, but felt the location of the tower could be shifted to address the setback requirements.

Haddix asked if there were a need for a cell tower in this location. Rast said the only thing staff had received relating to a tower in this location was the request for the variance. The telecommunications ordinance required that applicants provide a study showing a need and the various carriers on the tower, but that was a later step in the process. The applicant would have to submit that before the tower was approved. The previous request for a tower at this location had T-Mobile as the primary carrier, and Rast said he had not heard from them about the site. This area was not in any of the search rings presented by the carriers for areas needing additional coverage.

Robert Brown said that his recollection of the previous weak signal areas, this tower would help cover part of a low signal area.

Haddix said his biggest concern was the City's effort to eliminate precedents, and he was reluctant to set new precedents.

Imker noted that he was the Council liaison to the Airport Authority. He was sympathetic to Mr. Power's request, but the issue was the safety of the airport. Imker felt that requirements for takeoffs and landings would change, and this would add another obstacle for a pilot.

Fleisch moved to deny the variance. Imker seconded. Motion carried unanimously.

Council/Staff Topics

McMullen updated Council on several construction projects, saying that work had begun Tuesday, February 16, on the Flat Creek bridge approaches and should be completed around March 4, depending on the weather. Work was also progressing on the CSX bridge approaches, which were on target for completion by March 16. McMullen continued that Council would be discussing another segment of the necessary right-of-way for the Paschall/Willowbend tunnel connections in executive session that evening, and bids for the project had gone out with a goal of Council awarding a contract on March 4. The SR 54 East landscaping project should finish

shortly, with all the plant material installed and the crew performing some cleanup of kudzu along the newly landscaped section.

Finally, McMullen reported that the City had received no applications to date for new cell phone towers. City staff and representatives from the Planning Commission had a meeting scheduled with some of the carriers to address some of the questions raised in recent meetings.

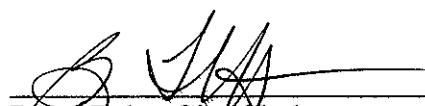
Imker offered his thanks to the Fire Department for the recently improved ISO rating, noting that he was able to see a \$115 reduction in his homeowners insurance. He encouraged all residents to do the same because the savings equaled close to a one mill reduction in property taxes.

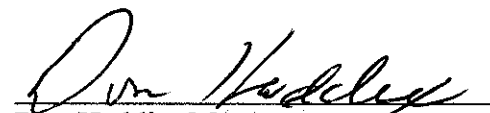
Fleisch moved to enter into executive session at 8:33 p.m. to discuss a personnel matter and a real estate matter. Sturbaum seconded. Motion carried unanimously.

Sturbaum moved to reconvene into regular session at 9:11 p.m. Fleisch seconded. Motion carried unanimously.

Sturbaum moved to approve acquisition of right-of-way from Frank Cawood & Associates (FC&A) for the amount discussed in executive session. Imker seconded. Motion carried unanimously.

There being no further business, Sturbaum moved to adjourn the meeting. Learnard seconded. Motion carried unanimously. The meeting adjourned at 9:12 p.m.


Betsy Tyler, City Clerk


Don Haddix, Mayor